

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF SHULTZ) APPEAL NO. 07-A-2749
REVOCABLE LIVING TRUST from the decision of)
the Board of Equalization of Valley County for tax) FINAL DECISION
year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER was conducted on the written record created without necessity of a personal appearance at hearing. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellant submitted written information for consideration. Respondent Valley County also submitted written information for consideration. This appeal is taken from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RP 00327000019A A.

The issue on appeal is the market value of residential property.

The decision of the Valley County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$956,730, and the improvements' valuation is \$569,400, totaling \$1,526,130. Appellant requests the land value be reduced to \$677,409, and the improvements' value remain at \$569,400, totaling \$1,246,809.

The subject property is .445 acres with 50 feet of frontage on Payette Lake. The site is improved with two residences. Subject is located on the east side of the east limb of the lake.

Appellant asserted subject's assessed land value for tax year 2007 was too high. Taxpayer described the extreme variables in the topography, view, and access of properties located around Payette Lake. Subject is steep, narrow in width, and lacks a northern view. The only access is a shared road that is narrow and steep and impassable in the winter.

Appellant cited three (3) sales of properties located close to subject. The topography was

similar to subject. These sales were also cited by the County as comparable to subject. They had the lowest value per front foot of any lakefront property, specifically \$11,077, \$12,173 and \$15,245. The sales averaged \$12,832 per front foot.

Appellant reported the property which sold for \$12,173 per front foot shared a property line with subject. Taxpayer asserted that the value of the sale property would be greater than that of subject, because it has a wider lot with a wider, less steep road allowing with year-round access. Subject is currently valued at \$19,005 per front foot. Appellant stated it would be unfair to assess subject at a higher price per front foot than neighboring properties had sold for.

The Assessor stated the value of subject was accurate. It was noted there was limited availability of properties located on the Payette Lake shoreline. The views of mountains and lake, along with beach or lake frontage, added value to property like subject.

The County presented ten lakefront sale properties to support the assessed value of subject. They included from 64 to 217 feet of lake frontage. The sale properties ranged in price per front foot from \$11,077 to \$27,501. The sale prices – less improvement values – ranged from \$1,061,610 to \$2,639,460.

According to the County information, a standard lot is 100 front wide and 100 feet deep. Adjustments are applied to lots which differ in size from the standard lot.

An adjustment of +4% was applied to subject's base land value because it was not a standard lot size. A -10% adjustment was applied for the steep topography. An additional \$6,500 was added to the land value for onsite sewer and water. The Assessor stated that almost all lakefront properties had adjustments, because they differ so much in property characteristics.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

The issue in this case is the proper assessed value for a Payette Lake frontage. The subject site consists of 50 feet of frontage and was assessed for \$19,005 per front foot.

Appellant maintains subject frontage should be compared to the frontages and values of three sold lots. The three were improved sales. After extracting the improvements value as done in the County sale analysis, the prices per front foot were \$11,422, \$13,087 and \$15,781.

Appellant's argument appears convincing, until the amount of front footage present in the three sales is more closely analyzed. The sale properties included respectively, 210 feet, 101.8 feet and 215.1 feet of frontage, all far larger than subject's 50 feet. Two sales included in the County exhibit demonstrate higher value rates for smaller frontages. A 56-foot frontage sold for \$32,511 per front foot and 63.68-foot frontage sold for \$20,995 per front foot. This analysis supports a reduction in price per front foot as the frontage increases. It does not support the premise that subject's smaller frontage can be valued on a par with much larger frontages.

The County addressed lot topography in its assessments, as well as size variances through negative and positive adjustments from a standard or base lot value.

In determining the value of property for taxation purposes the assessor may and should consider cost, location, actual cash sale value and all other factors, known or available to his knowledge, which affect the value of the property assessed, to the end that the property of each taxpayer will bear its just proportion of the burden of taxation. Abbot v. State Tax Comm'n, 398 P.2d 221, 225, 398 P.2d 221, 225 (1965).

Adjustments were applied to subject's 50 feet of frontage to recognize the less than typical topography. Due consideration was given to subject's relative size. In this case and under these circumstances we do not find error in the County assessment of subject. Nor does the Board find that Appellant supported its reduction claim. Therefore, we will affirm the value decision of the Valley county Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED April 3, 2008